

REMARKS

Claims 1-20 are pending in the present application.

Claims 1, 3-5 and 8-20 were amended herein.

Entry of the amendments and reconsideration of the claims is respectfully requested.

35 U.S.C. § 101 (Statutory Subject Matter)

Claims 1-10 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

The Office Action asserts that the Applicants' definition of the claim term "controller" to encompass software or firmware causes the claims to be directed to "[s]oftware *per se*" and therefore encompassing non-statutory subject matter. As previously noted, however, the function in independent claim 1 is recited in the active voice (i.e., "receiving"). Since software *per se* is incapable of performing any function, the claims are necessarily limited to special purpose hardware formed by execution of software or firmware, and do not encompass software *per se*.

Nonetheless, independent claims 1 and 13 were amended herein to recite "a payment processing processor having at least one network connection," and receipt of transaction requests by the at least one network connection. As such, the claims do not encompass software *per se*.

Therefore, the rejection of claims 1-10 under 35 U.S.C. § 101 has been overcome.

35 U.S.C. § 102 (Anticipation)

Claims 1-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0111907 to *Ling*. This rejection is respectfully traversed.

A claim is anticipated only if each and every element is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as

complete detail as is contained in the claim. MPEP § 2131 at pp. 2100-66 to 2100-67 (8th ed. rev. 7 July 2008).

Independent claims 1 and 13 each recite a plurality of electronic sales between a customer and each of a plurality of vendors represented by a single customer transaction request and a plurality of vendor transaction requests, identified by a single transaction identifier, and resolved by the payment processor as a single transaction by the customer and as a plurality of transactions by each of the vendors. These claim features correspond to “n-furcating” a transaction as described in paragraph [0038] of the application as filed. Such feature(s) are not found in the cited reference. *Ling* contains no teaching of multiple transactions involving a single customer and a plurality of vendors being processed based on a single transaction identifier within a single transaction request by a customer and each of a plurality of transaction requests by a plurality of vendors. Nor does *Ling* teach resolving a plurality of electronic sales as a single transaction by the customer and a plurality of transactions by each of the vendors.

Independent claims 1 and 13 further recite that the wherein the vendor systems do not receive personal information for the customer for transaction verification. This feature is described in paragraphs [0033]-[0037] the specification as filed, and encompasses personal billing information, e-mail addresses and/or passwords (“access codes”). *Ling* teaches that personal information for the customer is received by the vendor(s), for use in transaction verification:

[0244] Referring now to FIG. 27, a flow chart for purchasing tangible goods at a vendor's web site is described. The user first logs in with the vendor by entering the user ID and password. The user then selects tangible goods from the vendor web site and adds the tangible goods into a shopping cart. This process is the same with most online shopping vendor web pages currently available on the Internet.

[0245] When the user wishes to check-out the goods, most of the vendor web pages will inquire of the user as to how he/she wishes to pay for the goods by allowing the user to select one of the various credit card options accepted by the

vendor. If the vendor accepts tokens as a payment option, the vendor web page will also display tokens, in addition to the various credit cards. If the user selects tokens as the payment method, it causes the MSP to drop a window requesting the user to enter the user ID and password that the user registered at the MSP. When the user clicks a "submit" button, the vendor web server sends the user ID, password, vendor ID and the amount of tokens that is required for the user to make the purchase to the MSP, as shown in step 905.

Ling, ¶¶ [0244]-[-245] (emphasis supplied).

Therefore, the rejection of claims 1-10 and 13-18 under 35 U.S.C. § 102 has been overcome.

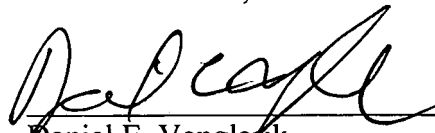
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, P.C.

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Daniel E. Venglarik
Registration No. 39,409

Docket Clerk
P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *dvenglarik@munckcarter.com*